

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,) **Case No. 3:19-cr-00371-L-2**
)
Plaintiff,) Dallas, Texas
) October 15, 2020
v.) 11:00 a.m.
)
JOSE MARIA UVALLE,) MOTION TO WITHDRAW AS
) ATTORNEY FOR DEFENDANT [75]
Defendant.)
) *Exclusive of Under Seal Ex*
) *Parte Excerpt 11:11-11:24 a.m.*
)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE REBECCA RUTHERFORD,
UNITED STATES MAGISTRATE JUDGE.

APPEARANCES:

For the Government: Nicole Dana
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Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 DALLAS, TEXAS - OCTOBER 15, 2020 - 11:01 A.M.

2 MR. HERRINGTON: Good morning.

3 THE COURT: All right. This is Case 3:19-cr-371-L,
4 United States of America versus Jose Uvalle. May I have
5 appearances by the attorneys, please?

6 MS. DANA: Good morning, Your Honor. Nicole Dana for
7 the Government.

8 THE COURT: Good morning.

9 MR. HERRINGTON: Rob -- good morning. Rob Herrington
10 for the Defendant.

11 THE COURT: Good morning. Does your client require
12 the services of a Spanish-language interpreter?

13 MR. HERRINGTON: He does, Your Honor.

14 THE COURT: All right. I'm going to put our
15 interpreter under oath. We have one here in court today.
16 Thank you for being here.

17 MR. AGUILAR: Thank you.

18 (The Interpreter is sworn.)

19 THE COURT: Thank you.

20 All right. Mr. Herrington, I have a motion that was filed
21 in which you represent that your client is dissatisfied with
22 your representation and wants to be -- to have you withdrawn.
23 Is that correct?

24 MR. HERRINGTON: I couldn't understand everything
25 Your Honor was saying. He didn't -- he didn't ask --

1 THE COURT: Are we getting some feedback? I feel
2 like I'm hearing something.

3 MR. HERRINGTON: Maybe a little.

4 THE COURT: Are you hearing a weird echo?

5 MR. HERRINGTON: Maybe a little.

6 MS. DANA: Yes.

7 THE COURT: We're going to figure out if we can make
8 sure our technology is working. I have -- there's some sort
9 of weird --

10 (Pause.)

11 THE COURT: Are we hooked up to the VTC somehow?
12 It's not coming through that TV, is it?

13 (Pause.)

14 THE COURT: Okay. I think it's coming -- it's
15 through the microphones.

16 MR. HERRINGTON: Your Honor, I seem to be
17 understanding you perfectly now.

18 THE COURT: Now that we're talking about nothing? It
19 is distracting, though. So if you'll give us just another
20 minute, I want to figure it out, especially since we're having
21 to have these proceedings interpreted.

22 (Pause, 11:04 a.m. to 11:08 a.m.)

23 THE COURT: Maybe because that microphone was off.
24 Do you hear that?

25 (Pause.)

1 THE COURT: Oh, that is the FTR?

2 (Pause, 11:08 a.m. to 11:09 a.m.)

3 THE COURT: Okay. We'll try again. That seems
4 better. I don't hear the echo anymore.

5 (Discussion.)

6 THE COURT: Okay. Well, that would make sense why we
7 were getting it through the microphones at the counsel table,
8 too. Okay. All right. I think we're ready. It sounds
9 better to me.

10 For purposes of making a clean record, I'm just going to
11 start over and call the case United States of America versus
12 Jose Maria Uvalle, Case 3:19-cr-371-L. May I have
13 appearances, please?

14 MS. DANA: Good morning, Your Honor. Nicole Dana for
15 the Government.

16 THE COURT: Thank you.

17 MR. HERRINGTON: Good morning, Your Honor. Rob
18 Herrington for the Defendant.

19 THE COURT: Thank you. The record will reflect that
20 the Defendant is present and that he is being assisted by a
21 Spanish-language interpreter that has been put under oath.

22 The Court has before it a motion to withdraw that Judge
23 Lindsay referred. I understand that the motion was prompted
24 by a letter that Judge Lindsay received from the Defendant or
25 someone working with the Defendant in the facility where he is

1 currently being held. But for the record, I want to confirm
2 that both parties understand the Defendant's sentencing is set
3 for December 18, 2020.

4 MS. DANA: Yes, Your Honor.

5 MR. HERRINGTON: Both parties, and then -- I didn't
6 -- both parties did what?

7 THE COURT: Agree that the sentencing is set for
8 December 18th.

9 MR. HERRINGTON: Yes, Your Honor.

10 THE COURT: All right. And the presentence report
11 has been completed?

12 MR. HERRINGTON: It has.

13 THE COURT: All right. Have you filed any objections
14 to that report?

15 MR. HERRINGTON: I have, Your Honor.

16 THE COURT: Okay. Thank you.

17 In a moment, I want to visit with you and Mr. Uvalle, but
18 is there anything that the Government needs to put on the
19 record? All right. Then I'll ask you to please step out so
20 that we can have a conversation that will not endanger the
21 Defendant waiving any privilege.

22 MS. DANA: Just that the Government takes no position
23 on the motion, Your Honor.

24 THE COURT: Thank you very much.

25 MS. DANA: I'll step out.

1 (Government's attorney departs courtroom at 11:11 a.m.
2 Under seal ex parte proceedings conducted from 11:11 a.m. to
3 11:24 a.m., upon the conclusion of which Government's attorney
4 returns to courtroom.)

5 MS. DANA: Yes, Your Honor.

6 THE COURT: Thank you. I heard *in camera* from
7 defense counsel and the Defendant. And based on what I heard,
8 I do find that there is good cause to grant the motion. So
9 Mr. Herrington will be allowed to withdraw and substitute
10 counsel will be appointed. Thank you for being present this
11 morning.

12 MS. DANA: Thank you, Your Honor.

13 THE COURT: We are adjourned. Counsel are excused.
14 Thank you, Mr. Herrington.

15 MR. HERRINGTON: Am I excused, then?

16 THE COURT: Yes. Thank you.

17 MR. HERRINGTON: Thank you very much. Good morning.

18 (Proceedings concluded at 11:25 a.m.)

19 --oOo--

20 CERTIFICATE

21 I certify that the foregoing is a correct transcript from
22 the electronic sound recording of the proceedings in the
above-entitled matter.

23 **/s/ Kathy Rehling**

03/09/2022

24

25 _____
Kathy Rehling, CETD-444
Certified Electronic Court Transcriber

Date

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